

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2996**

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**Introduced by Assembly Members ~~Berg and Levine~~ Member  
*Levine***

February 24, 2006

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An act to add and repeal Chapter 25 (commencing with Section 14960) of Division 7 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2996, as amended, ~~Berg~~ *Levine*. Automobile Brake Pad Mitigation Program.

Existing law, the Porter-Cologne Water Quality Control Act, requires the State Water Resources Control Board and the California regional water quality control boards to prescribe waste discharge requirements for the discharge of waste in accordance with the Clean Water Act and the act.

This bill would establish the Automobile Brake Pad Mitigation Program, until January 1, 2015, and would require the state board to carry out the program. The bill would establish the Automobile Brake Pad Mitigation Fund in the State Treasury. The bill would require each retailer to collect a \$1 fee from ~~each consumer who purchases a~~ *the purchase of a set of new automobile brake-pad pads* from that retailer and to transmit all fee revenues to the State Board of Equalization for deposit into the fund. The bill would authorize the state board, upon appropriation by the Legislature, to expend the moneys in the fund to prevent, reduce, remediate, or mitigate the adverse environmental impacts of automobile brake pads. *The bill would require that the Department of Transportation be allocated 9%*

*of the total funds received* The bill would require each regional board to undertake a review, every 2 years, with regard to the expenditure of moneys from the fund within its region. The bill would require the state board to periodically evaluate the program established by the bill. The bill would require these reviews and evaluations to be made available to the Legislature, and, upon request, to public agencies and the public.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Automobile brake pads contribute to nonpoint source
- 4 pollution and environmental degradation, through the release of
- 5 copper and other contaminants.
- 6 (b) The adverse impacts of automobile brake pads on surface
- 7 waters, water-related habitat, and other open space include, but
- 8 are not limited to, the release of pollutants and fine particulates,
- 9 including copper, that enter the environment through the air,
- 10 thereby affecting the health of fish, wildlife, and people.
- 11 (c) The State Water Resources Control Board has identified
- 12 the waters for which prescribed effluent limitations are not
- 13 stringent enough to implement applicable water quality
- 14 standards.
- 15 (d) The Clean Water Act, the Porter-Cologne Water Quality
- 16 Control Act, and other statutes and regulations, require the
- 17 adoption of a comprehensive approach that addresses both point
- 18 and nonpoint source water pollution.
- 19 (e) Existing programs do not establish sufficient requirements
- 20 to ameliorate the impacts of automobile brake pads on water
- 21 quality.
- 22 (f) New methods of ameliorating the impacts of automobile
- 23 brake pads on waters, water-related habitats, and other open
- 24 space are needed.
- 25 (g) Efforts to address the impacts described in this act are most
- 26 effective when public agencies work together and in partnership
- 27 with community-based groups and organizations.

1 SEC. 2. Chapter 25 (commencing with Section 14960) is  
2 added to Division 7 of the Water Code, to read:

3  
4 CHAPTER 25. AUTOMOBILE BRAKE PAD MITIGATION  
5 PROGRAM  
6

7 14960. The state board shall carry out the Automobile Brake  
8 Pad Mitigation Program, which is hereby established.

9 14961. (a) ~~(1)~~ The Automobile Brake Pad Mitigation Fund  
10 is hereby established in the State Treasury.

11 ~~(2) For the purposes of this chapter, "fund" means the~~  
12 ~~Automobile Brake Pad Mitigation Fund established pursuant to~~  
13 ~~paragraph (1).~~

14 ~~(b) (1) Each retailer shall collect a one dollar fee (\$1) from~~  
15 ~~each consumer who purchases a new automobile brake pad from~~  
16 ~~that retailer.~~

17 *(b) For the purposes of this chapter, the following definitions*  
18 *shall apply:*

19 *(1) "Automobile" means a motor vehicle as defined in Section*  
20 *415 of the Vehicle Code.*

21 *(2) "Brake pads" means service brakes as that term is used in*  
22 *Article 1 (commencing with Section 26301) of Chapter 3 of*  
23 *Division 12 of the Vehicle Code.*

24 *(3) "Fund" means the Automobile Brake Pad Mitigation Fund*  
25 *established pursuant to subdivision (a).*

26 *(4) "Set of automobile brake pads" means the two brakes that*  
27 *are required for each wheel on an automobile.*

28 *(c) (1) Each retailer shall collect a one dollar (\$1) fee from*  
29 *the purchase of a set of new automobile brake pads from that*  
30 *retailer.*

31 *(2) The retailer shall transmit all revenues collected pursuant*  
32 *to paragraph (1) to the State Board of Equalization for deposit*  
33 *into the fund.*

34 ~~(e)~~

35 *(d) The moneys in the fund, upon appropriation by the*  
36 *Legislature, may be expended by the state board to fund projects*  
37 *that prevent, reduce, remediate, or mitigate the adverse*  
38 *environmental impacts of automobile brake pads, including, but*  
39 *not limited to, the purchase and installation of technological*  
40 *devices that remove copper, and the cleanup of streams, creeks,*

1 marshlands, diked lands, ponds, coastal areas, estuaries,  
2 wetlands, watersheds, agricultural open space, and roads.

3 (2) The state board may allocate available moneys from the  
4 fund to local agencies for the purposes of this chapter.

5 (3) The state board may not expend more than 3 percent of any  
6 moneys in the fund for administrative purposes.

7 14962. (a) The expenditure of moneys from the fund shall be  
8 consistent with the adopted plans of the applicable regional  
9 board, applicable watershed management initiatives, or other  
10 adopted plans that identify goals, objectives, and implementation  
11 strategies for achieving the goals of and compliance with this  
12 chapter and related statutes, including, but not limited to, Chapter  
13 6 (commencing with Section 1600) of Division 2 of the Fish and  
14 Game Code, and Article 4 (commencing with Section 13160) of  
15 Chapter 3 of, Article 3 (commencing with Section 13240) of  
16 Chapter 4 of, and Chapter 5.6 (commencing with Section 13390)  
17 of, this division.

18 (b) Priority shall be given to those projects that most  
19 effectively accomplish the purposes of this chapter through the  
20 long-term protection and restoration of the natural environment  
21 that are impacted by automobile brake pads.

22 14963. (a) Eligible expenditures are limited to projects and  
23 activities that prevent, reduce, remediate, or mitigate the adverse  
24 water quality and other environmental impacts of automobile  
25 brake pads.

26 (b) Eligible projects include, but are not limited to, any of the  
27 following:

28 (1) Nonpoint source pollution treatment and pollution  
29 reduction projects.

30 (2) Implementation of best management practices and  
31 treatment methods to reduce copper and other metals in sediment  
32 and stormwater.

33 (3) Projects undertaken to meet the requirements of a relevant  
34 total maximum daily load (TMDL).

35 (4) Research and education to improve scientific and public  
36 understanding of the impacts of automobile brake pads on water  
37 quality, habitat, fish and wildlife, and open space, as well as the  
38 most effective projects and management practices for preventing,  
39 reducing, remediating, or mitigating those impacts.

1 14964. Funds shall be expended or allocated within *cities and*  
2 counties on a pro rata basis that reflects the amounts collected  
3 within each respective ~~county~~ *city and county, except the*  
4 *Department of Transportation shall be allocated nine percent of*  
5 *the total funds received.*

6 14965. (a) Each regional board, at least once every two  
7 years, shall undertake a review with regard to the expenditure of  
8 moneys from the fund within its region.

9 (b) The state board shall periodically evaluate the extent to  
10 which resources adversely impacted by automobile brake pads  
11 have been protected or restored in accordance with this chapter,  
12 the amount of matching funds, if any, obtained for the purposes  
13 of this chapter, and the allocation of funds made available by this  
14 chapter.

15 (c) The reviews and evaluations described in subdivisions (a)  
16 and (b) shall be made available to the Legislature, and, upon  
17 request, to public agencies and the public.

18 14966. This chapter shall remain in effect only until January  
19 1, 2015, and as of that date is repealed, unless a later enacted  
20 statute, that is enacted before January 1, 2015, deletes or extends  
21 that date.